

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION

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In re:

PAMELA RODGERS,

Chapter 13
Hearing Date: 3/29/11
Time: 10:00 a.m.

Chapter 13
Case No: 1-11-40177-608
**OPPOSITION/RELY
SUPPLEMENT AFFIDAVIT
OF SUPPORT OF CONVER-
SION OF THIS CASE
CHAPTER 7**

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HONORABLE CARLA E. CRAIG
UNITED STATES BANKRUPTCY JUDGE

I, Pamela Rodgers being duly sworn depose and says:

1. I am opposing the Trustee's motion to dismiss this case and his request to have the court consider as an alternative the conversion of this case from a Chapter 13 to a Chapter 7.

2. The Trustee mentions that I have filed three previous bankruptcies in 2009 in this District under case numbers 09-4463; 09-46865; and 09-48299. I have filed all the mention bankruptcies under the following circumstances: The first case I filed pro se, and when I went to the 341 meeting of creditors I was missing some of the schedules. At that time the Trustee's assistant adjourned the case to give time to submit the missing documents. On the return date of the 341 meeting, the clerk had dismissed the case and the Trustee's assistant Mr. Peter Corey told me I could refile the case. The second filing I retained an attorney which I later turned out to be inexperienced with bankruptcy procedures. He failed to submit my spouse's income as additional income and my case was dismissed.

3. As to the other cases filed in 2009 mentioned by the Trustee I did not list the two mentioned properties, 245 W. 134th Street, NY, NY 10036, and 570 Westminster Rd. #B7,

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Brooklyn, NY 11230, however I did mention these two properties on my current chapter 13 case but I have since learned that I cannot list these two properties as an asset on Schedule A because the two properties are owned by a corporation which is owned by my husband and his partner. I have since then amended my Schedule A and removed 245 W. 134th Street, NY, NY 10036 from my Schedule A and listed the 570 Westminster Rd. #B7, Brooklyn, NY 11230 property on Schedule A as property owned by my husband. I also amended my Schedule A by adding the property I am trying to save, 33 Vanderbilt Avenue, Brooklyn, NY 11205, however it was included on the Schedule D.

4. I am filing my Chapter 13 case in good faith. I did not try to intentionally provide or omit any false information to any of my filings. . I have amended my Schedule A by adding 33 Vanderbilt Avenue, Brooklyn, NY 11205, which is the property I am trying to save and the reason for filing for Chapter 13. It was an over-sight not to have included it on the Schedule A but it was included on the Schedule D. The Trustee claims that I did not mention 33 Vanderbilt Avenue in the Statement of Financial Affairs question 5 regarding foreclosure sales in the last years, I did not mention the foreclosure sale within one year from the commencement of this case because my property was not sold at a foreclosure sale within one year immediately preceding the commencement of this case. According to question 10 there was no transfer of any property within ten years, therefore it does not apply to me.

5. The Trustee's allegation of deliberately misleading my creditors by not listing all my creditors and assets on my petitions is completely false.

6. I have listed all my real property and mortgages on my bankruptcy petitions and amended schedules. I dispute the Trustees statement that I have more than \$1,081,400.00 in secured debts.

RELIEF SOUGHT

7. As set forth above and in my affidavit, I have clearly demonstrated that I am proceeding in good faith in my Chapter 13 case.

WHEREFORE, I, the debtor respectfully request that this Court deny Mr. Macco's request to convert this case to a Chapter 7 petition.

Dated: March 27, 2011
Brooklyn, New York

By: Pamela Rodgers
Pamela Rodgers
33 Vanderbilt Ave.
Brooklyn, NY 11205